

**U.S. Consumer Product Safety Commission
LOG OF MEETING**

EXCEPTED RULEMAKING WITH ENFORCEMENT POWERS
18/26/06
NOMINATED PRODUCT

SUBJECT: What reliance upon a voluntary standard means, particularly in the context of the cigarette lighter petition

DATE OF MEETING: March 31, 2006

LOG ENTRY SOURCE: Pamela L. Weller, Counselor to Commissioner Moore

DATE OF LOG ENTRY: March 31, 2006

LOCATION: Telephone conversation

CPSC ATTENDEE(S): Pamela L. Weller

NON-CPSC ATTENDEE(S): David Baker, representing himself and The Lighter Association

SUMMARY OF MEETING: David Baker called to inform me he was the moderator of a panel as part of the ICPHSO annual meeting to be held in Bethesda this year. The panel will be discussing the use of voluntary standards in CPSC rulemakings. He believes that when the Commission "relies" on a voluntary standard that it must mean something more than what he has been told by various people at the agency--that we use section section 15 enforcement powers to enforce these standards. Others outside the agency have indicated they think

such a standard carries more weight, that is should be enforced as a mandatory standard. He then said, representing the Lighter Association, that he would like the agency to terminate the lighter rulemaking proceeding in reliance upon the ASTM cigarette lighter standard.

He asked me what my thoughts were on the subject of how standards that are relied upon should be treated. I told him our office was meeting with staff from our General Counsel's office next week to learn more about their position and that I would be at the ICPHSO meeting in May and would be interested in listening to the panel discussion on this issue.

I wished him luck on his new venture into solo practice.